

MINUTES

RANDOLPH COUNTY PLANNING BOARD

September 13, 2005

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, September 13, 2005, in the Commissioners' Meeting Room, Randolph County Office Building, 725 McDowell Road, Asheboro, North Carolina.

1. **Chairman Maxton McDowell** called to order the Randolph County Planning Board meeting at 6:30 p.m.
2. **Hal Johnson**, Planning Director, called roll of the members: Maxton McDowell, Chairman, present; Bill Dorsett, Vice Chairman, present; Lynden Craven, present; Larry Brown, absent; Phil Ridge, present; Chris McLeod, present; Jim Rains, present; and Reid Pell, Alternate, (substituting for regular member Brown) present. County Attorney Alan Pugh was present for this meeting.
3. **Jim Rains** made the motion, seconded by **Lynden Craven**, to approve of the minutes of the August 2, 2005 Randolph County Planning Board meeting. The motion passed unanimously.
4. **REQUESTS FOR PROPERTY REZONING:**

- A. **TERRY VUNCANNON**, Asheboro, North Carolina, is requesting that 1 acre (out of 224.41 acres) located on Old N.C. Hwy 49 (approximately 300 ft. east of McDaniel Road), Cedar Grove Township, Secondary Growth Area, be rezoned from Residential Agricultural to Rural Business Overlay/Conditional Use. Tax ID# 7639188508. The proposed Conditional Use Zoning District would specifically allow the property to be developed as per site plan with the construction of a 40' x 60' building to operate a restaurant.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the new Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be approved and that appropriate buffers should be considered. An example of a Growth Management Policy that the Technical Review

Committee found supporting this recommendation is:

Policy 4.3 *Rural area commercial development should be limited to neighborhood business uses, farm supply stores, and generally accepted rural business establishments.*

Vuncannon was present and explained that he lives on this property. Vuncannon said he had operated a restaurant in the Charlotte area for 22 years. Vuncannon said he has moved back home and wishes to operate a restaurant with a seating capacity of 50 to 75 people. Vuncannon said he thought this would be a good place to operate a restaurant. Vuncannon said he plans to operate between the hours of 6 am and 9 pm, Tuesday through Saturday, and employ approximately 5 people for each shift. Vuncannon said he plans to build an attractive restaurant with a rib and barbeque menu. Vuncannon said he may possibly have curb service and a drive-thru window service.

McDowell asked if Vuncannon planned to expand the business in the future and **Vuncannon** answered that it would depend on the demand. Vuncannon said he plans to operate an upscale restaurant. Vuncannon said if you serve a good product, people will travel to your restaurant.

There was no one present in opposition to this request.

McLeod said he liked the idea of having a restaurant here. **McDowell** agreed and said Vuncannon has a nice home here.

McLeod made the motion, seconded by **Craven**, to recommend to the Commissioners that this request be **approved**. The motion passed unanimously.

- B. **EARNHARDT BUILDERS INC.**, Asheboro, North Carolina, is requesting that 100.46 acres (out of 208.20 acres) on the corner of Old Mountain Road/Post Road, Tabernacle Township, be rezoned from RA to CVOE-CU. Secondary Growth Area. Lake Reese Watershed. Tax ID# 6794085766 and 6794281486. The proposed Conditional Use Zoning District would specifically allow the property to be developed as per site plan with a 43-lot residential subdivision for site-built homes with a minimum house size of 1,500 sq. ft.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that the proposal was in compliance with standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical

Review Committee recommended to the County Planning Board that this request be approved. The applicant has reduced the number of lots being proposed and has also included some no-cut buffers.

Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are:

Policy 6.5 The protection of viable rural neighborhoods should be encouraged by compatible residential development to insure the continued existence as a major housing source and as a reflection of the long-term quality of life in Randolph County.

Policy 6.12 Factors to be considered in major subdivision approval in Primary and Secondary Growth Areas will include suitability of soils, access to major thoroughfares, the potential availability of public services and facilities and community compatibility.

Policy 6.13 Conventional Residential Subdivisions are anticipated of similar housing characteristics to the community.

Johnson said this request was originally considered by the Planning Board in June. The Planning Board recommended the request be denied because of concerns of driveway connections and density. Johnson said Earnhardt asked for the request to be postponed until such time that he could try to answer some of these concerns. Johnson said originally there were 11 lots proposed on Post Road, and the number has been reduced to 7 lots. Johnson said the number of lots on Old Mountain Road has been reduced by 2 lots.

Michael Pugh, Agent for Earnhardt, said that they have tried to seek guidance from the Planning staff to answer the concerns of the Planning Board. Pugh said they have reduced the number of lots from 50 to 43 lots. Pugh said there was also concern about sludge application on the property in the past. Pugh said that the State said the property was safe for development. Pugh read a letter from Synagro, a residuals management company, stating that the application activities were done by the regulations from EPA and NCDNER. Pugh said the State's one year restriction to develop the property has passed. Pugh said there is nothing about the property that would be unsafe to the public. Pugh said the last sludge application was in 1997. Pugh talked about the initial preliminary plan presented to the Commissioners two years ago that showed their development intentions. Pugh said the Board was agreeable to that plan at that time. Pugh said this new plan is an improvement of that plan. Pugh said they have increased lot sizes, reduced driveway accesses, and proposed buffers in this new plan. Pugh said he

realized that the neighbors didn't want the property developed, but they are trying to make a nice development. Pugh said he felt every issue has been addressed and asked the Board to approve the request.

Dorsett asked how many acres had been used for septage application and **Pugh** answered 27 acres. **Dorsett** asked where on the property the sludge was applied and **Pugh** said he didn't know.

Rains asked if the letter he read was new information they had obtained and **Pugh** answered yes. Pugh also read a letter from the City of High Point in respect to the applications. Pugh said this property is no longer used for application. **Rains** asked if any tests have been performed on the property beyond the application. **Pugh** answered no because the guidelines were met as required by the permit. **Pugh** said the property has met all State and Federal guidelines.

Rains asked for the buffers to be discussed, and the buffers along the northern property line and a portion of the west property line were noted.

McDowell asked why the lots on the north side of the property were not changed, and **Pugh** said Earnhardt worked this out with the Planning Department.

Johnson said the number and size of the proposed lots on the northern portion of the property were not designed from the advice of the Planning staff.

Pugh said the first preliminary drawings were acceptable by the Commissioners, and they have been using this as a benchmark for development of the property.

McDowell said that the average lot size being proposed is 2 ½ acres, but the average lot size within 1 mile of this property is 6 ½ acres. McDowell said this proposal is a lot more dense than the existing community. **Pugh** said two other subdivisions have recently been approved adjoining this property with one-acre lots. Pugh said one of the subdivisions is ½-acre lots.

Gary Satterfield, 2130 Old Mountain Road, said that he wished Earnhardt was here and noted that he was not at the last meeting either. Satterfield said that the last meeting in July was cancelled by Johnson. Satterfield said Johnson failed to tell the Commissioners about the sludge application concerns. Satterfield said he has lived here all his life and the sludge was applied to the entire farm (not just 27 acres of the property). Satterfield feels the property is contaminated and should be re-tested. Satterfield said the Planning Board should appoint an independent company to perform the test. Satterfield said 3 public notice signs were posted for the last meeting and only 1 sign was posted for this meeting. Satterfield said 14 farms surround this entire farm. Satterfield said this proposal is not really a

change from the last request, and a subdivision should not be placed in the middle of 14 farms. Satterfield said toxic sludge was placed on the property and contaminated the land. Satterfield said Fox8 TV came out because of the smell from the sludge. Satterfield said animals such as deer were found dead due to the sludge. Satterfield said there are important streams on this property to the Lake Reese Watershed, and no soil tests have been performed on this property. Satterfield said the new homeowners in Welborn Ridge were not told of the sludge, and he felt this information should have been disclosed to the purchasers. Satterfield said it should be disclosed that sludge was applied to each lot before it is sold. Satterfield discussed the traffic concerns along Old Mountain Road and the possibility that the additional traffic would endanger children getting off school buses in this area. Satterfield referred to the proposed 1500 sq. ft. house size as starter homes and said this house size would not be acceptable. Satterfield complimented Stan Byrd on the conservation subdivision he developed, in this area, with large houses. Satterfield asked for this request to be denied because he felt it is the wrong location, traffic concerns, contaminated property, and the community just does not want the development.

Janice Sink, 1988 Old Mountain Road, said she has lived here for over 30 years and her family has lived here for many generations. Sink said the area is made up of family farms with rolling hills. Sink said they have chosen to live in the country for its quiet lifestyle. Sink said at the Neighborhood Meeting, Johnson said most of the farms in their area would be for development in the future. Sink said she disagrees with Johnson. Sink said a development with all these small lots is not progress. Sink said only one developer is asking for this change and the many farmers in the area are opposed to the development. Sink said one person should not be allowed to change the community at the opposition of the community. Sink said they were not properly notified a couple of years ago about the meetings to amend the land development regulations or they would have attended those meetings. Sink provided a picture of Old Mountain Road and discussed the traffic dangers in this area. Sink said the proposed development would increase the number of serious traffic accidents. Sink said this is a country road and was not designed to handle this amount of traffic. Sink said the high school for this area is already over capacity and this would just compound this problem. Sink said natural by-ways should not be overdeveloped. Sink said they received no notice of surveying. Sink said Earnhardt has not taken the time to talk to the community. Sink said Earnhardt, Adams, and Pugh will be the only profiteers and the community will not profit. Sink said this is phase two and phase three may bring 50 more houses. Sink asked the Board to consider the density being proposed. Sink also stated that another soil test should be performed to be sure that the property is not unsafe. **McDowell** said that Sink raised a new issue concerning the impact this development would have on our

school system. **Rains** pointed out that the School System provided us with the information that said this request would only increase school enrollment by 17 children from these 43 lots.

Scott Moore, 7220 Kingston Road, said he plans to move to Post Road soon. Moore said he is not a full-time farmer, but would like to keep the farming community whole. Moore said this area is a beautiful family farm area and he loves this land and community. Moore said he is upset about this development and he felt that the Board should consider the fact that their wildlife will be affected by this development. Moore said the watershed has been contaminated by this land. Moore said when this land is plowed it affects the creek for several days and it kills the fish. Moore expressed concern that if the water is contaminated it will affect their livestock. Moore said he is a former law officer and there are many traffic concerns and dangers on Old Mountain Road. Moore said he plans to purchase a couple of acres from Mr. Black adjoining this property. Moore said Black is like family to him.

Eric Black, 6651 Post Road, corrected Pugh by saying there was 49 lots proposed originally not 50 lots and Earnhardt didn't seek any guidance from the community. Black said the preliminary drawing was not approved by the Commissioners like Pugh said. Black said there was not a Neighborhood Information Meeting held for this new proposal. Black said he was told there would be if there were substantial changes. Black said that saving land can save money. Black said farmers and landowners receive pressure to sell their property for development. Black said the first phase of this development was not landscaped and the buffer was not maintained. Black discussed the well landscaped development, across from phase one of this project, developed by Stan Byrd. Black said Earnhardt is not a neighbor and is an absentee landlord. Black said Earnhardt gets the goldmine and the taxpayer gets the shaft. Black said they are sick of all the development in this area. Black said there are not conservation areas being proposed and there are still many small lots being proposed. Black said the average square footage of homes in the area is approximately 1700 sq. ft. and Earnhardt is proposing 1500 sq. ft. Black said the lots should be a minimum of 5 acres and the house size should be a minimum of 1800 sq. ft. Black discussed his concern for the watershed with this number of septic tanks being proposed. Black said the school system must not be able to add and subtract with the number of children they project from this proposed development. Black said that the cost to educate each child is approximately \$6,000. Black said this development would not provide the tax base to educate the children the development would create. Black discussed the sludge problem and said that the sludge was placed on all three parcels. Black said the information Pugh was providing was from Synigrow, and this is the company that applied the sludge.

Black said that they didn't test for heavy metals; they tested the PH levels of the soils. Black said several companies applied sludge to this property and Earnhardt only went to one source. Black said that you can't grow crops for human consumption for 39 months after the last application. Black said that sludge has the same contaminants that New Orleans is dealing with in the aftermath of Hurricane Katrina. Black also asked for Earnhardt to pay for an environmental test for the safety of the property. Black said the County should practice what they preach and require this testing. Black read a letter from a real estate attorney, Douglas B. Elliott, that expressed his opinion that there should be a disclosure statement provided prior to selling lots. Black said the traffic flows have been ignored in this proposal. Black said this proposal would be of no economic value to Randolph County.

Alvin Myers, 247 Springs Grove Lane, Thomasville, said that he has a 90 acre farm here. Myers said the community doesn't owe Earnhardt an easy way out. Myers said that if they had wanted a trailer park they could have developed it prior to zoning. Myers talked about the traffic problems and the sludge concerns.

Pugh said that he would like to know if any of the other farms in the area have been treated with sludge application.

There were 25 citizens present in opposition to this request.

Dorsett said the developer did meet the minimum requirements but he didn't feel there was a significant change since the last request. **McDowell** asked how much involvement the Planning staff had in designing the lots on the proposed new road and **Johnson** answered none. **McDowell** agreed with Dorsett and said he felt Earnhardt still falls short. McDowell said this is still too dense.

Dorsett said that according to the Ordinance, this request cannot come back for 1 year because it is not a significant change. **Craven** said this does meet the County's requirements, but there is no significant change from the first request. Craven said that this proposal is not compatible to this farming area. For these reasons **Craven** made the motion to deny this request. **Dorsett** seconded the motion and the motion passed by a vote of 5 to 2. McLeod and Ridge voted against the motion.

- C. **RONALD COOKE**, Hasbrouck Heights, New Jersey, is requesting that 1.90 acres located at 136 Lawrence Smith Drive (just off US Hwy 220 Bus North), Level Cross Township, Primary Growth Area, be rezoned from Residential Agricultural to Highway Commercial/Conditional Use. Polecat Creek Watershed. Tax ID# 7767444984. The proposed Conditional Use Zoning District would

specifically allow the property to be used as per site plan for the storage and repair of 15 to 25 pieces of amusement equipment. Lawrence C. (Jr.) & Marcelle Smith - Property Owners.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee felt this proposal would be a low-impact commercial use along a major thoroughfare and recommended to the County Planning Board that this request be approved.

Cooke was present and provided the Board with pictures of the property and equipment that would be parked on the site. **Cooke** said the equipment that they lease or sell to other companies will be refurbished on the site. **Cooke** said the equipment will be located here for up to 6-8 months out of the year. **Cooke** said there will be at least 2 employees but no more than 10 employees at the site. **Cooke** said the property was originally used as a cabinet-making business. **Cooke** said his foreman will live in the house on the property. **Cooke** said most of their work is repair but sometimes they do build ticket boxes. **Dorsett** asked about the scrap material, and **Cooke** said that they use storage containers for excess materials and have a company remove them. **Cooke** said all the trash will be contained in dumpsters. **Craven** asked about painting and **Cooke** said they do very little painting. **Cooke** said they do plan to maintain buffers to provide screening from the highway. **Cooke** said he is interested in the parcel that is currently a junkyard. **Cooke** said if he obtains that property it will be cleaned up.

L.C. Smith, Lawrence Smith Drive, said he is the current property owner. **Smith** said all the maintenance will be done inside the shop. **Smith** said he didn't see that this would have a big impact on the community. **Smith** said that there are salvage yards in the area.

There was no one present in opposition to this request.

Dorsett said this is in his neighborhood and he didn't see any reason why it shouldn't be approved. **Dorsett** made the motion, seconded by **Reid**, to recommend to the Commissioners that this request be approved. The motion passed unanimously.

5. **REQUEST FOR A SPECIAL USE PERMIT:**

Swearing in of the Witnesses - "Do you swear or affirm that the information you are about to give is the truth, the whole truth, and nothing but the truth, so help you God."

One person took this oath.

- A. **WEST 49 MOBILE HOME PARK, INC.**, Asheboro, North Carolina, is requesting a Special Use Permit to allow up to 4 existing mobile home rental spaces to be used for travel trailers. The park is located on 18.40 acres at 3133 NC Hwy 49 South, Concord Township, Secondary Growth Area, Zoning District RM, Tax ID#'s 7619705783 and 7619709481.

Linda Burrows, 3855 Mechanic Road, Asheboro, said they have a 53-space mobile home park that was developed in 1968. The RV's would be placed here for 1 to 4 years. There would be no more than 4 RV's at any one time.

McLeod said that this is a strictly operated mobile home park.

There was no one present in opposition to this request.

McLeod made the motion, seconded by **Craven**, to **approve** this request for a Special Use Permit. The motion passed unanimously.

6. The meeting adjourned at 8:50 p.m. There were 39 citizens present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

HAL JOHNSON

Planning Director

JILL WOOD

Date

Clerk/Secretary